REMARKS

Reconsideration and allowance of the subject application in view of the foregoing amendments and the following remarks is respectfully requested.

Several claims have been amended, where appropriate, to better define the claimed invention. No new matter has been introduced through the foregoing amendments.

1. The *35 U.S.C. 112, first paragraph* rejection is traversed, because the claim feature that "the Ec/Io value remains lower than the CDMA-2000 ON threshold $TH_{ON,}$" contrary to the Office's allegation, finds support in the original disclosure, especially FIG. 4, the section designated with Hd, and FIG. 6, the section to the right of reference numeral a.

It appears to be the Office's position that

a. the original wording "the Ec/Io value is maintained" is interpreted to require the system to control the Ec/Io value,

b. the amended wording "the Ec/Io value remains" is interpreted to require no control of the Ec/Io value by the system,

c. the "no control" meaning of "remains" is not supported by the original disclosure and constitutes new matter.

Applicants respectfully disagree for the following reason.

As to the Office's point a, the Office's *apparent* interpretation of "is maintained" to require some control by the system is incorrect and is neither supported by the original disclosure of the application nor by the knowledge generally available in the art. The application as filed does not disclose any control of the Ec/Io value by any component of the system. In contrast, the application

as filed makes it very clear, as well known in the art, that the Ec/Io value is not a parameter intended to be actively controlled by a system. *See* paragraph 0020 of the published application. The Ec/Io value - as it's full name "energy of carrier/interference of others" suggests - is a signal quality parameter. By measuring, rather than controlling, the value, a telecommunication system can make certain decisions as exemplarily disclosed in the instant application.

As to the Office's point b, as indicated above, Applicants confirm that the Ec/Io value as disclosed in the instant application requires no control by the disclosed system. It is only measured by the disclosed system and the Ec/Io measurement is then used for a hand-off process as disclosed in the instant application.

As to the Office's point c, the term "remains" finds solid support in FIGs. 4 and 6 as detailed above, which shows how the Ec/Io value varies in time without any control by the disclosed system.

A person of ordinary skill in the art would understand that the term "remains" is supported by the application as filed, that the original disclosure requires no control of the Ec/Io value by the disclosed system, and that there is no new matter introduced by the last Amendment. The *35 U.S.C. 112, first paragraph* rejection if improper and should be withdrawn.

2. The *35 U.S.C. 112, second paragraph* rejection of claim 6 is noted. The claim has been amended substantially in the manner kindly suggested by the Examiner in paragraphs 6-7 of the Office Action. Withdrawal of the *35 U.S.C. 112, second paragraph* rejection is believed appropriate and therefore respectfully requested.

3. The *35 U.S.C. 103(a)* rejection of all claims over the same references, despite Applicants' traversing arguments advanced in the last Amendment, is noted. Applicants respectfully traverse the rejection for the previously presented reasons, which are all incorporated by reference herein, and also for the following additional reasons.

As to independent **claim 1**, the Office alleges that *Amerga* discloses a timer in FIG. 5A and column 10 lines 44-49. While the reference might have indeed a timer, that timer is neither disclosed, taught nor suggested by *Amerga* to be used for measuring the time lapse during which the Ec/Io value is below TH_{ON} as presently claimed. It is absolutely improper to read *any* timer on the *specific* claimed time lapse measurement.

Still with respect to independent claim 1, the Office is relying on *Choi* for the claim feature that "the CDMA-2000 modem is activated before the MM-MB terminal leaves the overlay zone and while the WCDMA modem is still being activated to keep the MM-MB terminal in the WCDMA idle state." The Office cites column 6 line 58 - column 7 line 17 of *Choi* in support for the rejection. The cited portion appears to disclose a handoff process, wherein the mobile terminal (MB) is switched from a WCDMA system to a CDMA system. However, the *Choi* handoff process requires

- a WCDMA call (column 6 line 61, column 7 line 13) to be made,
- then a CDMA call (column 7 lines 2 and 12) to be established alongside the WCDMA call, and
- finally, a release of the WCDMA call (column 7 lines 13-15) to retain only the CDMA call. *See* also *Choi* at the paragraph bridging columns 2-3.

Thus, in the *Choi* handoff process, a WCDMA call must be made and, hence, the WCDMA idle state of the MB cannot be kept, contrary to the claim requirement highlighted above. Accordingly, even if the handoff process of *Choi* could be properly combined with *Amerga* (which Applicants contend to the contrary), the combination would still require a WCDMA call to be made for handoff purposes, failing to teach or disclose the claim feature at issue, i.e., "to keep the MM-MB terminal in the WCDMA idle state."

It should be now clear that the references singly or in combination do not teach or suggest all features of independent claim 1, and that the *35 U.S.C. 103(a)* rejection of claim 1 should be withdrawn.

As to independent **claim 6**, the rejection is traversed for at least the reason detailed above with respect to the "timer" of *Amerga*.

Still with respect to independent claim 6, the Office still maintains that *Amerga* discloses the determination "if the WCDMA call is determined at step (d) to have been terminated," notwithstanding Applicants argument in the last Amendment, at the paragraph bridging pages 12-13. Applicants note that the Office has not responded to this argument. Clarification is respectfully requested.

In addition, Applicants respectfully submit that the cited portions of *Amerga*, i.e., boxes 550, 552, column 9 lines 12-57 mention nothing about any determination of a call termination. All that is disclosed in the cited portions is about cell selection which is irrelevant to the claim feature at issue, i.e., call termination.

Accordingly, Applicants respectfully submit that the rejection of claim 6 is improper and should be withdrawn.

As to **claim 9**, there is no teaching or suggestion in *Amerga* that the allegedly found claim steps (pages 12 in the Office Action) are performed upon a determination that the WCDMA call has not been terminated, as opposed to step (e) of claim 6 which is performed upon an opposite determination that the WCDMA call has been terminated.

It should be noted that claim 9, when read together with claim 6, defines two branches of actions: one to be performed when the WCDM call has been terminated (step (e) of claim 6), the other to be performed when the WCDM call has not been terminated (claim 9). Since *Amerga* does

not make a determination as to whether the WCDMA call has terminated or not (see the discussion with respect to claim 6 immediately above), the reference singly or in combination with *Choi* does not teach or suggest the two branches of action recited in claim 9 and the condition (i.e., call termination) upon which one of the braches of action is to be performed.

Accordingly, Applicants respectfully submit that the rejection of claim 9 is improper and should be withdrawn.

As to independent **claim 16**, the Office is again relying on *Choi* for the teaching handoff between two systems. As discussed with respect to claim 1 above, the handoff process of *Choi* requires a call to be made, and is neither indicative nor suggestive of the claimed idle-to-idle transition.

Accordingly, Applicants respectfully submit that the rejection of claim 16 is improper and should be withdrawn.

As to independent **claim 20**, note the discussion *supra* regarding the *Amerga* failure to teach or suggest any determination as to whether a call has terminated. All that is disclosed in the cited portions of *Amerga* is about cell selection which is irrelevant to the claim feature at issue, i.e., call termination.

Accordingly, Applicants respectfully submit that the rejection of claim 20 is improper and should be withdrawn.

As to independent **claim 24**, note the discussion *supra* regarding the *Amerga* failure to teach or suggest any timer for measuring the time lapse during which the Ec/Io value is below TH_{ON} as presently claimed.

Accordingly, Applicants respectfully submit that the rejection of claim 24 is improper and should be withdrawn.

The **dependent claims** are considered patentable at least for the reason(s) advanced with respect to the respective independent claim(s).

Accordingly, all claims in the present application are now in condition for allowance. Otherwise, the claims are believed to be in condition for appeal.

Early and favorable indication of allowance is courteously solicited.

The Examiner is invited to telephone the undersigned, Applicant's attorney of record, to facilitate advancement of the present application.

To the extent necessary, a petition for an extension of time under *37 C.F.R. 1.136* is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 07-1337 and please credit any excess fees to such deposit account.

Respectfully submitted,

LOWE HAUPTMAN HAM & BERNER, LLP

/Yoon S Ham/
Yoon S. Ham
Registration No. 45,307

Customer Number: 22429
1700 Diagonal Road, Suite 300
Alexandria, Virginia 22314
(703) 684-1111
(703) 518-5499 Facsimile
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